

United States District Court**for the****Eastern District of Washington**FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**Jul 06, 2021**

SEAN F. McAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Brian Kristopher Boyd

Case Number: 0980 2:18CR00033-RMP-1

Address of Offender:

Name of Sentencing Judicial Officer: The Honorable Rosanna Malouf Peterson, U. S. District Judge

Date of Original Sentence: August 22, 2018

Original Offense: Felon in Possession of a Firearm, 18 U.S.C. §§ 922(g)(1) and 924(a)(2)

Original Sentence: Prison - 6 months
TSR - 36 months

Type of Supervision: Supervised Release

Asst. U.S. Attorney: Earl Allan Hicks

Date Supervision Commenced: September 20, 2018

Defense Attorney: John Stephen Roberts, Jr.

Date Supervision Expires: September 19, 2021

PETITIONING THE COURT

To issue a warrant and to incorporate the violations contained in this petition in future proceedings with the violations previously reported to the Court on 03/02/2021.

The probation officer believes that the offender has violated the following conditions of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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3	<u>Mandatory Condition #1:</u> You must not commit another federal, state or local crime.
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Supporting Evidence: It is alleged that Mr. Boyd is in violation of mandatory condition number 1 by being charged with driving under the influence (DUI) on July 5, 2021.

On September 20, 2018, Brian Boyd signed his conditions relative to case number 2:18CR00033-RMP-1, indicating he understood all conditions as ordered by the Court.

On July 5, 2021, the undersigned officer received notification from the Spokane Police Department that Mr. Boyd had been arrested for DUI. The dispatch events stated Mr. Boyd had been passed out in his car, which was located on Montgomery and Division streets in Spokane, Washington. These are both busy streets and Mr. Boyd was unconscious in his vehicle until police responded.

Mr. Boyd submitted to a Breathalyzer which registered at a .229 blood alcohol content (BAC). Mr. Boyd was taken into custody and he is currently being held at the Spokane County Jail for Vehicular DUI/DRUG, in violation of RCW: 46.61.502 GM, which is a gross misdemeanor.

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Special Condition #5: You must not enter into or remain in any establishment where alcohol is the primary item of sale. You must abstain from alcohol and must submit to urinalysis and Breathalyzer testing as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from this substance.

Supporting Evidence: It is alleged that Mr. Boyd is in violation of special condition number 5 by being arrested for allegedly consuming alcohol on July 5, 2021.

On September 20, 2018, Brian Boyd signed his conditions relative to case number 2:18CR00033-RMP-1, indicating he understood all conditions as ordered by the Court.

On July 5, 2021, Mr. Boyd was arrested for DUI due to becoming unconscious behind the wheel of his vehicle. Mr. Boyd submitted to a Breathalyzer which yielded a BAC of .229.

The U.S. Probation Office respectfully recommends the Court issue a **warrant** requiring the offender to appear to answer to the allegations contained in this petition, and to incorporate the violations contained in this petition in future proceedings with the violations previously reported to the Court.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 07/06/2021

s/Joshua D. Schull

Joshua D. Schull

U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other



Signature of Judicial Officer

7/6/2021

Date